

IC 3-5-5

Chapter 5. Standards for Determining Residency

IC 3-5-5-1

Purpose of chapter

Sec. 1. This chapter shall be used to determine the residency of the following:

- (1) A voter or a person applying to become a voter.
- (2) A candidate.
- (3) A person holding an elected office.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-2

Methods of establishing residency

Sec. 2. A person's residence may be established by:

- (1) origin or birth;
- (2) intent and conduct taken to implement the intent; or
- (3) operation of law.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-3

Residence in more than one precinct

Sec. 3. A person does not have residence in more than one (1) precinct.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-4

Abandonment of residence

Sec. 4. A person who has a residence in a precinct retains residency in that precinct until the person abandons the residence by:

- (1) having the intent to abandon the residence;
- (2) having the intent to establish a new residence; and
- (3) acting as provided in this intent by establishing a residence in a new precinct.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-5

Absence due to state or federal business

Sec. 5. As provided in Article 2, Section 4 of the Constitution of the State of Indiana, a person is not considered to have lost residence in a precinct in Indiana by reason of the person's absence on the business of:

- (1) the state of Indiana; or
- (2) the United States.

As added by P.L.12-1995, SEC.10. Amended by P.L.3-1995, SEC.10.

IC 3-5-5-6

Rebuttable presumptions

Sec. 6. Sections 7 through 17 of this chapter establish presumptions regarding the residency of a person in a precinct. A

person can rebut these presumptions by demonstrating intent to reside in another precinct and conduct taken to implement that intent.
As added by P.L.12-1995, SEC.10.

IC 3-5-5-7

Temporary residency

Sec. 7. (a) A person does not gain residency in a precinct into which the person moves for:

- (1) temporary employment;
- (2) educational purposes; or
- (3) other purposes;

without the intent of making a permanent home in the precinct.

(b) Notwithstanding subsection (a), a precinct election officer, a watcher, a challenger, or a pollbook holder may not challenge the right of an individual to vote in the precinct solely on the basis of the individual's:

- (1) enrollment in an educational institution; or
- (2) registration to vote at an address which is housing provided for students by the educational institution.

(c) A county election board may:

- (1) remove a precinct election officer or void the credentials of a watcher, challenger, or pollbook holder; or
- (2) refer the matter to the prosecuting attorney as a violation of IC 3-14-3-4 (obstruction of a voter);

if the board determines that the officer, watcher, challenger, or pollbook holder has violated subsection (b).

As added by P.L.12-1995, SEC.10. Amended by P.L.3-1997, SEC.18.

IC 3-5-5-8

Person moving with intent to make new residence

Sec. 8. If a person moves into another state with the intention of making that state the person's residence, the person loses residency in Indiana.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-9

Person moving with intent to remain for indefinite time

Sec. 9. If a person moves to another state with the intention of remaining in the other state for an indefinite time as a place of residence, the person loses residency in Indiana, even if the person intends to return at some time.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-10

Change in precinct of residence

Sec. 10. If a person moves into another precinct in Indiana with the intention of making that precinct the person's residence, the person loses residency in the precinct that the person left.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-11**Location of immediate family as residence**

Sec. 11. The place where a person's immediate family resides is the person's residence, unless the family's residence is:

- (1) a temporary location for the person's immediate family; or
- (2) for transient purposes.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-12**Living away from family while conducting business**

Sec. 12. Except as provided in section 13 of this chapter, if:

- (1) a person's immediate family resides in one (1) place; and
- (2) the person does business in another place;

the residence of the immediate family is the person's residence.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-13**Living away from family with intent to remain away**

Sec. 13. If a person:

- (1) is living at a place other than the residence of the person's immediate family; and
- (2) has the intention of remaining at that place;

the place where the person lives is the person's residence.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-14**Establishment of voting residence separate from spouse**

Sec. 14. A married person who does not live in a household with the person's spouse may establish a separate residence from the residence of the person's spouse.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-15**Unmarried persons**

Sec. 15. The residence of a person who:

- (1) is unmarried; and
- (2) does not have an immediate family;

is where the person usually sleeps.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-16**Residents of veterans home**

Sec. 16. A person who resides in a veterans home is a resident of the precinct in which the home is located.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-17**Persons committed to institutions for the mentally ill**

Sec. 17. A person who is:

- (1) adjudged mentally ill; and

(2) committed to an institution for the mentally ill;
does not gain residency in the precinct in which the institution is
located.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-18

Nontraditional residence

Sec. 18. Notwithstanding IC 3-5-2-42.5, an individual with a
nontraditional residence whose residence is within a precinct, but is
not fixed or permanent, resides in that precinct.

As added by P.L.12-1995, SEC.10.